

Chapter 9: Spouses, Children, and Surviving Family Benefits

A. General Provisions for Spouses, Children, and Parents of Military Members

1. Benefits for Family Members

Spouses and children of U.S. citizen service members may be eligible for naturalization under special provisions in the INA. Certain spouses may be eligible for expedited naturalization in the United States and may not be required to establish any prior period of residence or specified period of physical presence within the United States, as generally required for naturalization.

The surviving spouse, child, or parent of a U.S. citizen who dies during a period of honorable service in an active duty status in the U.S. armed forces may be eligible for naturalization. Surviving family members seeking immigration benefits are given special consideration in the processing of their applications for permanent residence or for classification as an immediate relative.¹

On January 28, 2008, legislation was enacted to permit a spouse or child to count any period of time that he or she is residing abroad with the service member as authorized by official orders as residence and physical presence in the United States, under certain conditions.² The same legislation also prescribes that such a spouse or child may be eligible for overseas proceedings relating to naturalization, as previously only permitted for an eligible member of the U.S. armed forces.

Specifically, one provision limits the circumstances under which the LPR spouse or child is considered to be seeking admission to the United States.³ Another provision allows the LPR spouse to count any qualifying time abroad as continuous residence and physical presence in the United States and permits the spouse to naturalize overseas.⁴ Another provision allows the U.S. citizen parent of a child filing for naturalization to count time abroad as physical presence and permits the child to naturalize overseas.⁵

2. Documenting “Official Orders”

In order to count any qualifying time abroad as continuous residence and physical presence in the United States, a spouse or child of a member of the U.S. armed forces must have official military orders authorizing him or her to accompany his or her service member spouse or parent abroad, and must accompany or live with that service member as provided in those orders.⁶

USCIS will only accept the following documents issued by the U.S. armed forces as “official orders:”

¹ See forthcoming Volume 6, Immigrants.

² See the National Defense Authorization Act for Fiscal Year 2008, Pub. L. 110-181, 122 Stat. 3, which amended [INA 284](#), [INA 319](#), and [INA 322](#).

³ See [INA 284\(b\)](#).

⁴ See [INA 319\(e\)](#).

⁵ See [INA 322\(d\)](#).

⁶ See [INA 319\(e\)](#) and [INA 322\(d\)](#).

- Copy of Permanent Change of Station (PCS) orders issued to a service member for permanent tour of duty overseas that specifically name the spouse or child applying for naturalization; **or**
- If the submitted PCS orders do not specifically name the applicant beyond reference to “spouse,” “child,” or “dependent,” then the applicant must submit:
 - PCS orders (copy);
 - Form DD-1278 (Certificate of Overseas Assignment to Support Application to File Petition for Naturalization); and
 - Service member’s Form DD-1172 (Application for Uniformed Services Identification Card DEERS Enrollment) naming dependents.

B. Spouses of Military Members⁷

The table below serves as a quick reference guide to certain residence, physical presence, and overseas naturalization provisions for spouses of service members. The paragraphs that follow the table provide further guidance on each provision.

Residence, Physical Presence, and Overseas Naturalization for Spouses of Members of the U.S. Armed Forces				
INA Section	Residence	Physical Presence	Treatment of Time Residing Abroad	Overseas Naturalization
<u>316(a)</u>	LPR for 5 years	30 months	Time residing with U.S. citizen spouse serving abroad may be treated as residence and physical presence in the United States (<u>INA 319(e)</u>)	May complete entire naturalization process from abroad
<u>319(a)</u>	LPR for 3 years	18 months		
<u>319(b)</u>	Must be LPR but no specified period of residence or physical presence is required			Must complete interview and oath in United States

1. Spouses of Service Members ([INA 316\(a\)](#) and [INA 319\(a\)](#))

Spouses of service members may qualify for naturalization through the general naturalization provision or on the basis of their marriage to a U.S. citizen.⁸ The general provision applies to spouses who have been LPRs for

⁷ This section describes certain benefits on residence, physical presence, and overseas naturalization for spouses of service members. See [Part G, Spouses of U.S. Citizens](#), for guidance on the general spousal naturalization provisions.

⁸ See [INA 316\(a\)](#). See [Part G, Spouses of U.S. Citizens](#).

five years immediately preceding the date of filing the naturalization application.⁹ Naturalization on the basis of marriage applies to spouses of U.S. citizens who have been LPRs for three years immediately preceding the date of filing the naturalization application and who have lived in marital union with their citizen spouses for those three years.¹⁰

2. Spouses of Military Members who are or will be Stationed or Deployed Abroad ([INA 319\(b\)](#))

The law permits expedited naturalization in the United States for eligible spouses of U.S. citizen service members who are or will be stationed or deployed abroad.¹¹ This provision does not require any prior period of residence or specified period of physical presence within the United States for any LPR spouse of a U.S. citizen who is an employee of the United States Government (including a member of the U.S. armed forces) or recognized nonprofit organization who is stationed abroad in such employment for at least one year.¹²

In general, the applicant is required to be in the United States for his or her naturalization examination or interview and for taking the Oath of Allegiance for naturalization.¹³

Spouses of service members already accompanying and residing abroad with their military spouse may also qualify for naturalization through the general provision¹⁴ or on the basis of their marriage to a U.S. citizen for three years.¹⁵ Such spouses may be eligible for any naturalization proceeding abroad, to include interviews, filings, oaths, ceremonies, or other proceedings relating to naturalization.¹⁶

3. Continuous Residence and Physical Presence while Residing Abroad ([INA 319\(e\)](#))

Certain eligible spouses of service members may count qualifying residence abroad as residence and physical presence in the United States for purposes of naturalization.¹⁷ This provision does not provide an independent basis for naturalization. The benefits of this provision only apply to an LPR who is eligible for naturalization through the general provision¹⁸ or on the basis of his or her marriage to a U.S. citizen for three years.¹⁹

The spouse must meet all of the following conditions during such time abroad:

- The LPR is the spouse of a member of the U.S. armed forces;

⁹ See [INA 316\(a\)](#). See [Part D, General Naturalization Requirements](#).

¹⁰ See [INA 319\(a\)](#).

¹¹ See [INA 319\(b\)](#).

¹² See [Part G, Spouses of U.S. Citizens, Chapter 4, Spouses of U.S. Citizens Employed Abroad](#).

¹³ See [INA 319\(b\)](#). See [8 CFR 319.2](#).

¹⁴ See [INA 316\(a\)](#).

¹⁵ See [INA 319\(a\)](#).

¹⁶ See [Part G, Spouses of U.S. Citizens](#). See [8 U.S.C. 1443a](#).

¹⁷ See [INA 319\(e\)](#). See [8 CFR 316.5\(b\)\(6\)](#). See [8 CFR 316.6](#).

¹⁸ See [INA 316\(a\)](#).

¹⁹ See [INA 319\(a\)](#).

- The LPR is authorized to accompany and reside abroad with the service member pursuant to the service member's official orders;²⁰ and
- The LPR is accompanying and residing abroad with the service member in marital union.²¹

The spouse is not required to be abroad at the time the officer makes such determination. For example, an applicant who is currently residing in the United States, but had previously resided abroad during the statutory residency or physical presence period, may count the time abroad as continuous residence and physical presence, if he or she meets the eligibility criteria.

The spouse of a service member who has been an LPR for five years and is applying for naturalization through the general provision does not need to establish that the service member is a U.S. citizen.²² An applicant who is no longer married to a service member at the time of filing may still meet the residence and physical presence requirements if the LPR was married to the service member and met all the conditions above during the period of time in question.

The spouse of a service member who has been an LPR for three years and who is applying on the basis of his or her marriage for three years must establish that the service member has been a U.S. citizen for the required period.²³

4. Overseas Naturalization for Spouses of Service Members

In addition to allowing certain time abroad to count towards the residence and physical presence requirements, [INA 319\(e\)](#) permits eligible spouses of service members to naturalize abroad without traveling to the United States for any part of the naturalization process.

In general, to be eligible to naturalize abroad, the LPR spouse of a service member must:

- Be authorized to accompany the service member abroad per the service member's official orders;
- Be residing abroad with the service member in marital union; and
- Meet the requirements of either [INA 316\(a\)](#) or [INA 319\(a\)](#) at the time of filing the naturalization application, except for the residence and physical presence requirements.

Prior to the enactment of the overseas provisions in 2008, with some exceptions, a service member's LPR spouse residing abroad with the service member had to apply for naturalization through expedited naturalization provisions.²⁴ This applied to a spouse who was eligible through the general provision²⁵ or through

²⁰ See [Section A, General Provisions for Spouses, Children, and Parents of Military Members](#), for guidance on "official orders."

²¹ See [8 CFR 316.5\(b\)\(6\)](#). See [8 CFR 316.6](#).

²² See [INA 316](#).

²³ See [INA 319\(a\)](#).

²⁴ See [INA 319\(b\)](#).

²⁵ See [INA 316](#).

three years of marriage to a U.S. citizen²⁶ but whose time abroad rendered him or her unable to meet the respective continuous residence or physical presence requirements.

An LPR filing as the spouse of a service member residing abroad²⁷ was exempt from the continuous residence and physical presence requirements, but he or she was still required to return to the United States for his or her interview, naturalization, and any other related procedure.²⁸ The overseas naturalization provisions allows such an LPR spouse to apply for naturalization from abroad and complete any procedure relating to his or her application for naturalization while residing abroad.²⁹

5. Application and Filing

[Form N-400](#), *Application for Naturalization*

Eligible spouses of members of the U.S. armed forces who live abroad and want to naturalize abroad should submit an Application for Naturalization ([Form N-400](#)) in accordance with the instructions on the form and with appropriate fee.³⁰

Spouses should indicate that they seek to naturalize through the general provision³¹ or on the basis of their marriage to a U.S. citizen for three years³² and to rely on [INA 319\(e\)](#) to meet the applicable continuous residence and physical presence requirements. Spouses should also write in: “[319\(e\)](#) Overseas Naturalization,” if so desired. Only those eligible spouses who prefer naturalization abroad should apply for that option. Spouses who prefer to apply for naturalization in the United States may still elect to do so.

Form DD-1278, Certificate of Overseas Assignment to Support Application to File Petition for Naturalization

Spouses should include Form DD-1278 along with their naturalization application. Form DD-1278 must be completed and signed by the military official certifying the applicant has “concurrent travel orders” and is authorized to join their spouse military service member abroad.

Fingerprint Cards (FD-258)

The spouse should submit two completed fingerprint cards (FD-258). Spouses applying overseas must have their fingerprints taken at a U.S. military base, an overseas USCIS field office, or an American Embassy/Consulate. Spouses applying in the United States must have their fingerprints taken at a USCIS Application Support Center.

Filing Location

²⁶ See [INA 319\(a\)](#).

²⁷ See [INA 319\(b\)](#).

²⁸ See [Part G, Spouses of U.S. Citizens](#), [Chapter 4, Spouses of U.S. Citizens Employed Abroad](#), [Section F, In the United States for Examination and Oath of Allegiance](#).

²⁹ See [8 U.S.C. 1443a](#).

³⁰ See [8 CFR 103.7](#).

³¹ See [INA 316\(a\)](#).

³² See [INA 319\(a\)](#).

The spouse should review and submit his or her application in accordance with the form instructions. USCIS will permit spouses who are residing abroad and eligible for the provisions under [INA 319\(e\)](#) to file their naturalization applications with the USCIS overseas office having jurisdiction over the spouse's overseas residence.

C. Children of Military Members³³

The table below serves as a quick reference guide to certain residence, physical presence, and overseas naturalization provisions for children of service members. The paragraphs that follow the table provide further guidance on each provision.

Residence, Lawful Admission, and Overseas Naturalization for Children of Members of the U.S. Armed Forces				
INA Section ³⁴	Place of Residence	Lawful Admission	Treatment of Time Residing Abroad	Automatic Citizenship or Overseas Naturalization
320	United States or Abroad	Must be LPR	Residence with U.S. citizen parent serving is treated as residence in United States	May acquire automatic citizenship (must take oath in the United States)
322	Abroad	No lawful admission required	Must reside with U.S. citizen parent serving abroad	May complete entire naturalization process from abroad

1. Children of Service Members Residing in the United States ([INA 320](#))

Children of members of the U.S. armed forces residing in the United States may automatically acquire citizenship.³⁵ The child must be under 18 years of age and must be an LPR in order to qualify. In order to obtain a Certificate of Citizenship, a child who has automatically acquired citizenship must follow the instructions on the Application for Certificate of Citizenship ([Form N-600](#)).³⁶

2. Children of Service Members Residing Abroad ([INA 322](#))

In general, [INA 322](#) provides that a parent who is a U.S. citizen (or, if the citizen parent has died during the preceding five years, a citizen grandparent or citizen legal guardian) may apply for naturalization on behalf of a child born and residing outside of the United States who has not acquired citizenship automatically under [INA 320](#). The child must naturalize before he or she reaches 18 years of age.

³³ This section describes certain benefits on residence, lawful admission, and overseas naturalization for children of service members. See [Part H, Children of U.S. Citizens](#), for guidance on the general naturalization and acquisition of citizenship provisions.

³⁴ See [8 CFR 320.2](#) and [322.2](#).

³⁵ See [INA 320](#).

³⁶ See [Part H, Children of U.S. Citizens, Chapter 4, Automatic Acquisition of Citizenship after Birth \(INA 320\)](#).

The general criteria to qualify under [INA 322](#) include that the child must be temporarily present in the United States pursuant to a lawful admission in order to complete the naturalization. The child's qualifying U.S. citizen parent must also have been physically present in the United States or its outlying possessions for at least 5 years (2 of which after the age of 14).³⁷

On January 28, 2008, [INA 322](#) was amended to permit certain eligible children of members of the armed forces to become naturalized U.S. citizens without having to travel to the United States for any part of the naturalization process.³⁸

The amendments benefit children of U.S. citizen members of the military who are accompanying their parent abroad on official orders.³⁹ Specifically, [INA 322\(d\)](#) provides that:

- Such children are not required to have a lawful admission or be present in the United States; and
- The U.S. citizen service member who is the child's parent may count any period of time he or she has resided abroad on official orders as physical presence in the United States.

These benefits are available only to biological, legitimated, or adopted children of U.S. citizen members of the U.S. armed forces and do not apply to step-children of the U.S. citizen parent. This is because the definition of "child" applicable to citizenship and naturalization provisions does not include step-children. The biological or legitimated child of a U.S. citizen parent (and member of the U.S. armed forces) must meet the requirements in [INA 101\(c\)\(1\)](#). An adopted child must meet the requirements for adopted children.⁴⁰

USCIS will ensure that the child of a member of the U.S. armed forces is not already a U.S. citizen (has not acquired automatic citizenship⁴¹) prior to making a determination that he or she qualifies for naturalization through [INA 322](#).

3. Lawful Admission and Maintenance Status Not Required ([INA 322\(d\)](#))

The child of a service member who is residing abroad with the service member per official orders is exempt from the temporary physical presence, lawful admission, and maintenance of lawful status requirements.⁴²

4. Treatment of Physical Presence of U.S. Citizen Parent Residing Abroad

Any period of time the U.S. citizen service member who is the child's parent is residing or has resided abroad will be treated as physical presence in the United States if:

- The child is authorized to accompany and reside abroad with the service member per official orders;

³⁷ See [Part H, Children of U.S. Citizens, Chapter 5, Child Residing Outside of the United States \(INA 322\), Section C, Physical Presence of the U.S. Citizen Parent or Grandparent](#).

³⁸ See the National Defense Authorization Act for Fiscal Year 2008, Pub. L. 110-181, 122 Stat. 3.

³⁹ See [Section A, General Provisions for Spouses, Children, and Parents of Military Members](#), for guidance on "official orders."

⁴⁰ See [Part H, Children of U.S. Citizens, Chapter 2, Definition of Child for Citizenship and Naturalization](#). See [INA 101\(b\)\(1\)\(E\), \(F\), or \(G\)](#).

⁴¹ See [INA 320](#).

⁴² See [INA 322\(d\)](#). See [INA 322\(a\)\(5\)](#) for the physical presence, lawful admission, and maintenance of lawful status requirements.

- The child is accompanying and residing abroad with the service member; and
- The service member is residing or has resided abroad per official orders.

The first two conditions above are the triggering events that allow any period of time abroad to count as physical presence in the United States for the U.S. citizen parent.⁴³

If the child is residing abroad with his or her U.S. citizen parent per official orders at the time of filing the Application for Citizenship and Issuance of Certificate Under Section 322 ([Form N-600K](#)), then any previous time the parent has resided abroad on official orders will be treated as physical presence in the United States regardless of whether the child resided with the parent.

5. Overseas Naturalization for Children Eligible under [INA 322](#)

The child of a service member who is on official orders authorizing the child to accompany and reside with that parent is not required to be an LPR or to have any other kind of lawful admission in the United States. The child may complete his or her entire naturalization process, to include filing and oath, while residing abroad.⁴⁴

6. Application and Filing

[Form N-600K](#), *Application for Citizenship and Issuance of Certificate Under Section 322*

To apply for citizenship for eligible children who live abroad and meet the requirements under [INA 322](#), applicants must submit an Application for Citizenship and Issuance of Certificate Under Section 322 ([Form N-600K](#)) in accordance with the instructions on the form and with appropriate fee.⁴⁵

Evidence of Residence Abroad

The applicant may show that the child resides abroad on official orders with the U.S. citizen-parent service member by submitting a copy of the Permanent Change of Station (PCS) orders that include the child's name.

If the PCS orders do not specifically name the applicant beyond reference to "child" or "dependent," then also include a copy of the service member's Form DD-1172 (DEERS Enrollment), naming the child.

Filing Location

Applicants must submit [Form N-600K](#) in accordance with the instructions on the form. USCIS will permit such applications to be filed with the USCIS overseas office having jurisdiction over the applicant's overseas residence.⁴⁶

⁴³ See [INA 322\(a\)\(2\)\(A\)](#).

⁴⁴ See [INA 322\(d\)](#).

⁴⁵ See [8 CFR 103.7](#).

⁴⁶ See [8 U.S.C. 1443a](#).

D. Naturalization for Surviving Spouse, Child, or Parent of Service Member ([INA 319\(d\)](#))

The spouse, child, or parent of a deceased U.S. citizen member of the U.S. armed forces who died as the result of his or her honorable service may be eligible for naturalization as the surviving relative of the service member. This includes surviving relatives of service members who were granted posthumous citizenship.⁴⁷

The surviving spouse must have been living in marital union with the U.S. citizen service member spouse and must not have been legally separated at the time of his or her death. The spouse, however, remains eligible for naturalization if the spouse has remarried since the service member's death.⁴⁸

The surviving spouse, child, or parent must meet the general naturalization requirements, except for the residence or physical presence requirements in the United States.

⁴⁷ See [INA 319\(d\)](#).

⁴⁸ See [8 CFR 319.3](#).

Appendix 1

The table below provides some of the major legislative amendments that have aimed at assisting qualified military personnel and their eligible family members to become U.S. citizens or to acquire other immigration benefits, or both.

Some Legislative Amendments Assisting Military Members and their Eligible Relatives to Become U.S. Citizens or to Acquire Other Immigration Benefits
Act of May 9, 1918 (40 Stat. 512)
<ul style="list-style-type: none"> - Accorded World War I servicemen certain exemptions from the then existing naturalization requirements - First statute to provide for overseas processing; however, petitions that were filed and not acted upon by the courts were declared invalid before May 25, 1932⁴⁹
Modifications of 1918 Act⁵⁰
<ul style="list-style-type: none"> - Under certain circumstances resident aliens who had departed from the United States and had served honorable in the military or naval forces of an allied country during World War I were granted special naturalization
Second War Powers Act of March 27, 1942 (amending Nationality Act of 1940)
<ul style="list-style-type: none"> - Provided for the expeditious naturalization of members of the U.S. armed forces serving in the United States and abroad - Provided for the naturalization of non-citizens serving during the war; the law permitted naturalization of those who did not meet requirements - Section 702, authorized the actual naturalization of World War II servicemen outside the United States - First time the Service had administrative authority to conduct naturalizations
Legislation of December 7, 1942 (amending Nationality Act of 1940)
<ul style="list-style-type: none"> - Addition of section 323a - Granted special naturalization privileges to World War I veterans - Embraced persons who served with the United States military or naval forces at any time after April 20, 1898, and before July 5, 1902 (Spanish-American War), as well as persons who served on the Mexican border between June 1916 and April 1917 as members of the Regular Army or National Guard (expired December 8, 1943)
Act of June 1, 1948; Immigration and Nationality Act

⁴⁹ See *Application of Campbell*, 5 F.2d 247 (E.D. Wash. 1925). See *Op. Sol. of Labor*, Jan, 1926, CO file 79/9.

⁵⁰ See Acts of July 19 and November 6, 1919, May 26, 1926, March 4, 1929, May 25, 1932, June 24, 1935, August 23, 1937, June 21, 1939, December 7, 1942.

<ul style="list-style-type: none"> - Added section 324A to the Act of October 14, 1940 (Nationality Act of 1940) - Revised, modified, and made permanent the earlier provisions for the expeditious naturalization of persons who served honorably in the United States armed forces during either World War I or II
Lodge Act, June 30, 1950 (64 Stat. 316)
<ul style="list-style-type: none"> - Was periodically extended during the 1950s, finally expiring on July 1, 1959 - The Act authorized naturalization under INA 329 of an alien who enlisted or reenlisted overseas under the terms of the Act; subsequently entered the United States, American Samoa, Swains Island, or the Canal Zone pursuant to military orders; completed five years of service; and was honorably discharged
Korean Hostilities; Act of June 30, 1953 (Pub. L. 86)
<ul style="list-style-type: none"> - Provided for the expeditious judicial naturalization of aliens, upon completion of at least 90 days' active and honorable service in the United States Armed Forces during a specified period (June 25, 1950 - July 1, 1955) extending beyond the termination date of the Korean conflict - Under the statute, all petitions had to be filed before January 1, 1956
Vietnam Hostilities Act of October 24, 1968 (82 Stat. 1343)
<ul style="list-style-type: none"> - Including Vietnam Hostilities to add as qualifying, service during a period beginning February 28, 1961, and ending on the termination fixed by the President - By Executive Order 12081, September 18, 1978, the President terminated the period of Vietnam hostilities as of October 15, 1978 - Allowed the designation by executive order such periods when the armed forces of the United States are engaged in armed conflict with a hostile foreign force
Grenada 15 Executive Order 12582 (February 2, 1987)⁵¹
<ul style="list-style-type: none"> - Although President Reagan designated the Grenada campaign as a period of hostilities, a federal court invalidated it entirely because, in contravention of statutory guidelines for such designations, the executive order attempted to limit the expedited naturalization benefit to persons who served in certain geographic areas and the record showed that the President would not have designated the campaign as a period of hostilities without the geographic limitations
Naturalization of Natives of the Philippines (WWII Service), Sec. 405 of Pub. L. 101-649
<ul style="list-style-type: none"> - Addressed by Congress in 1990 by amending INA 329 (IMMACT90) - Such veterans were exempted from the requirement of having been admitted to lawful permanent residence to the United States or having enlisted or reenlisted in the United States

⁵¹ See Executive Order 12582 signed on February 2, 1987 (52 FR 3395, February 4, 1987). In consideration of *Matter of Reyes*, 910 F. 2d 611 (9th Cir. 1990), Executive Order 12582 was revoked by Executive Order 12913, effective February 2, 1987, (59 FR 23115, May 4, 1994).

- Subsequent amendments enabled naturalization processing to be conducted in the Philippines
- Only applied to applications filed by February 2, 1995

Hmong Veterans' Naturalization Act of 2000

- For Hmong guerilla units that aided the U.S. military during the Vietnam War era.
- Provided an exemption from the English language requirement and special consideration for civics testing for Laotian refugees who supported the U.S. armed forces as members of guerrilla or irregular forces in Laos during the Vietnam War period of hostilities
- Only applied to naturalization applications filed by a veteran or spouse, within three years after May 26, 2000, or by a veteran's widow within three years after November 1, 2000

National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136)

- Pub. L. 108-136 was enacted on November 24, 2003 and amended certain military-related immigration provisions of the INA, to include:
- Reduced the required period of military service from three years to one year under [INA 328](#)
- Exempted all fees from naturalization applications filed under [INA 328](#) and [329](#) by eligible service members and certain veterans
- Added provision that citizenship obtained through [INA 328](#) or [329](#) may be revoked if the person is separated from the U.S. armed forces under other than honorable conditions before the person has served for a period or periods aggregating five years
- Added under [8 U.S.C. 1443a](#) that DHS must ensure that any filings, interviews, oath ceremonies, or other proceedings relating to naturalization of service members and certain military family members are available abroad through U.S. embassies, consulates, and U.S. military installations overseas as practical
- Extended benefits under [INA 329\(a\)](#) to those who serve or served as a member of the Selected Reserve of the Ready Reserve
- Extended certain immigration benefits to surviving spouses, children and parents of U.S. citizen service members (including those granted citizenship posthumously under [INA 329A](#))⁵²

National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181)

- Pub. L. 110-181 was enacted on January 28, 2008 and amended certain military-related immigration provisions of the INA focused on qualifying spouses or children of members of the U.S. armed forces, to include:
- Added [INA 284\(b\)](#) to make clear that the Lawful Permanent Resident status of a service member's spouse or child is not jeopardized because the spouse or child resided abroad, as authorized by official orders, with the service member. This provision clarifies that USCIS must not treat such absences as abandonment or relinquishment of the spouse or child's Lawful Permanent Resident (LPR) Status⁵³

⁵² See Sec. 1703 of PL 108-136.

⁵³ See forthcoming Volume 7, Adjustment of Status. See Sec. 673 of PL 110-181.

- Added [INA 319\(e\)](#) to allow the LPR spouse of a service member to count any qualifying time spent abroad on official orders as continuous residence and physical presence in the United States. Also permits the spouse to complete the naturalization process overseas
- Added [INA 322\(d\)](#) to allow the U.S. citizen parent and service member of a child filing for naturalization to count time abroad under military orders as physical presence in the United States. Also permits the child to complete the naturalization process overseas

Kendell Frederick Citizenship Assistance Act (KFCAA) (Pub. L. 110-251)

- The KFCAA was enacted on June 26, 2008
- Requires DHS to use the fingerprints provided by an individual at the time the individual enlisted in the U.S. armed forces (referred to as “OPM” or “enlistment” fingerprints) or fingerprints the applicant previously submitted to USCIS for another application to satisfy the fingerprint requirement
- If DHS determines that new biometrics would result in more timely and effective adjudication of the individual’s naturalization application, DHS must inform the applicant of this determination and provide the applicant with information on how to submit fingerprints.
- Requires USCIS to adjudicate applications for naturalization filed by active-duty members of the U.S. armed forces serving abroad within 180 days of the receipt of responses to all background checks

Military Personnel Citizenship Processing Act (MPCPA) (Pub. L. 110-382)

- The MPCPA was enacted on October 9, 2008
- Requires USCIS to complete applications for naturalization filed by service members (and certain spouses) within six months of receipt or notify the applicant of the delay
- Six-month notification letters must include the reason for delay and an estimated adjudication date